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Attorney Docket P0998D2

PATENT

CERTIFICATION UNDER 37 CFR 1.10

EM 168 887 119 US: Express Mail Number

August 25, 2000: Date of Deposit

I hereby certify that this Non-provisional Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231.

Ann Savelli

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX PATENT APPLICATION
Assistant Commissioner of Patents
Washington, D.C. 20231

NON-PROVISIONAL APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)

Transmitted herewith for filing is a non-provisional patent application:

Inventor(s) (or Application "Identifier"):

Jeffrey L. Cleland
Chung C. Hsu
Xanthe M. Lam
David E. Overcashier
Janet Yu-Feng Yang

Title: **PROTEIN FORMULATION****1. Type of Application**

- ☐ This application is for an original, non-provisional application.
- ☐ This is a non-provisional application claiming priority to provisional application no. __, filed __, the entire disclosure of which is hereby incorporated by reference.
- ☒ This is a ☐ continuation-in-part ☐ continuation ☒ divisional application claiming priority to application Serial Number 09/273,230, filed March 18, 1999, the entire disclosure of which is hereby incorporated by reference.

2. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b) (Non-provisional)

43 pages of specification
4 pages of claims
1 page(s) of abstract
19 sheet(s) of drawings
☐ formal ☒ informal

JC886 U.S. PTO

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3. Declaration or Oath

(for new and CIP applications; also for Cont./Div. where inventor(s) are being added)
____ An executed declaration of the inventor(s) ☐ is enclosed ☐ will follow.

(for Cont./Div. where inventorship is the same or inventor(s) being deleted)
 x A copy of the executed declaration/oath filed in the prior application is enclosed (37 CFR 1.63(d)).

(for Cont./Div. where inventor(s) being deleted)
 x A signed statement is attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)).

4. Assignment

(for new and CIP applications)
____ An Assignment of the invention to GENENTECH, INC. ☐ is enclosed with attached Recordation Form Cover Sheet ☐ will follow.

(for cont./div.)
 x The prior application is assigned of record to Genentech, Inc.

5. Amendments (for continuation and divisional applications)

____ Cancel in this application original claims __ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

 x A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

Relate Back -- 35 U.S.C. 120 or 35 U.S.C. 119

____ Amend the specification by inserting before the first line the sentence:

--This is a

____ non-provisional application

____ continuation

____ divisional

____ continuation-in-part

of co-pending application(s)

____ Serial No. _ filed on __, which application(s) is(are) incorporated herein by reference and to which application(s) priority is claimed under 35 USC §120. --

____ International Application _ filed on __ which designated the U.S., which application(s) is(are) incorporated herein by reference and to which application(s) priority is claimed under 35 USC §120.--

_____ provisional application No. __ filed __, the entire disclosure of which is hereby incorporated by reference and to which application(s) priority is claimed under 35 USC §119.--.

6. Fee Calculation (37 CFR 1.16)

The fee has been calculated as follows:

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee 37 CFR 1.16(a)
					\$690.00
Total Claims	22	- 20 =	2	X \$18.00	\$36.00
Independent Claims	2	- 3 =	0	X \$78.00	\$0.00
_____ Multiple dependent claim(s), if any				+ \$260.00	\$0.00
Filing Fee Calculation					\$726.00

7. Method of Payment of Fees

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$726.00.
A duplicate copy of this transmittal is enclosed.

8. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630. **A duplicate copy of this sheet is enclosed.**

9. Additional Papers Enclosed

- ☐ Information Disclosure Statement (37 CFR §1.98) w/ PTO-1449
- ☐ Submission of "Sequence Listing", computer readable copy, certificate re: sequence listing, and/or amendment pertaining thereto for biological invention containing nucleotide and/or amino acid sequence.
- ☐ A new Power of Attorney or authorization of agent.
- ☐ Other:

10. Maintenance of Coadependency of Prior Application (for continuation and divisional applications)

[This item must be completed and the necessary papers filed in the prior application if the period set in the prior application has run]

- _____ A petition, fee and/or response has been filed to extend the term in the pending prior application until
- _____ A copy of the petition for extension of time in the *prior* application is attached.

005000-00000000

11. Correspondence Address:

X Address all future communications to:

GENENTECH, INC.
Attn: Wendy M. Lee
1 DNA Way
South San Francisco, CA 94080-4990
(650) 225-1994

Respectfully submitted,
GENENTECH, INC.

By: 


Wendy M. Lee
Reg. No. 40,378

Date: August 25, 2000

1 DNA Way
So. San Francisco, CA 94080-4990
Phone: (650) 225-1994
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005180-9634350

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p>Jeffrey L. Cleland et al.</p> <p>Serial No.: not yet assigned</p> <p>Filed: herewith</p> <p>For: PROTEIN FORMULATION</p>	<p>Group Art Unit: not yet assigned</p> <p>Examiner: not yet assigned</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231. Express Mail Label No. EM 168 887 119 US August 25, 2000  Ann Savelli</p>
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STATEMENT DELETING INVENTORS

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Please delete inventors James Andya, Steven J. Shire and Sylvia Sau-Yan Wu, since they are not inventors of the invention as now claimed in claims 26, 28-34 and 37-50 in the attached Preliminary Amendment.

Respectfully submitted,
GENENTECH, INC.

By: 

Wendy M. Lee
Reg. No. 40,378

Date: August 25, 2000

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